COLE SCHOTZ
COLE, SCHOTZ, MEISEL, FORMAN & LEONARD, P.A.
Attorneys at Law
A Professional Corporation

Jed M. Weiss
Associate

Reply to New York Office
Writer's Direct Line: 646-563-8922
Writer's Direct Fax: 646-521-2022
Writer's E-Mail: JWeiss@coleschotz.com

900 Third avenue, 16th Floor
New York, NY 10022-4728
212.752.8000 212.752.8393 fax
–
New Jersey
–
Delaware
–
Maryland

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CHAMBERS OF LAURA TAYLOR SWAIN U.S.D.J.

September 2, 2011

~~VIA FACSIMILE~~ By Hand

MEMO ENDORSED

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 07 SEP 2011

Re: Michael L. Pasternak v. Dow Kim
Index No.: 10-CV-5045 (LTS) (JLC)

Your Honor:

We represent Defendant Dow Kim in the above referenced matter. We write on behalf of both parties to respectfully request a slight modification to the December 10, 2010 scheduling order (attached).

Because of Hurricane Irene, the parties were forced to adjourn two key depositions, one of them being the Plaintiff. Accordingly, the parties respectfully request the following modification to the scheduling order so that the parties can complete discovery:

- All non-expert discovery to be completed by September 26, 2011.
- Plaintiff to serve his initial expert witness disclosures, if any, on or before October 14, 2011.
- Defendant to serve his rebuttal expert witness disclosures, if any, on or before November 14, 2011.
- All expert discovery, including expert depositions, to be completed on or before January 31, 2012.

- Dispositive motions, if any, to be served and filed on or before February 29, 2012.
- The final pre-trial conference: ~~June 6, 2012~~. May 11, 2012 at 10:30 AM.

The parties respectfully request that the Court "So-Order" this proposed schedule. We thank the Court for its consideration herein.

Respectfully submitted,

COLE, SCHOTZ, MEISEL,
FORMAN & LEONARD, P.A.

Jed M. Weiss

Dow Kim, Defendant

HOLMAN LAW, A PROFESSIONAL
CORPORATION

Thomas A. Holman[1]

The foregoing modifications are approved.

SO ORDERED.

NEW YORK, NY
Sept 6, 2011

LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

[1] The Plaintiff, Mr. Pasternak, is currently traveling and, therefore, is unavailable to sign this request at this time. Mr. Pasternak's counsel, however, has spoken with Mr. Pasternak and Mr. Pasternak consents to this request.